

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
AUSTIN DIVISION

SHERMAN WILSON,

Plaintiff,

v.

AUSTIN POLICE DEPARTMENT and  
JOSEPH CHACON, *Chief of Police*,

Defendants.

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1:23-CV-0233-RP

**ORDER**

Before the Court is the report and recommendation from United States Magistrate Judge Mark Lane concerning Plaintiff's Complaint, (Dkt. 1). (R. & R., Dkt. 4). Pursuant to 28 U.S.C. § 636(b) and Rule 1(d) of Appendix C of the Local Rules of the United States District Court for the Western District of Texas, Judge Lane issued his report and recommendation on April 24, 2023. (*Id.*). In his report and recommendation, Judge Lane recommends that the Court dismiss Plaintiff's cause of action pursuant to 28 U.S.C. § 1915(e)(2)(b). (*Id.* at 4). Plaintiff filed an objection to the report and recommendation. (Dkt. 24).

A party may serve and file specific, written objections to a magistrate judge's findings and recommendations within fourteen days after being served with a copy of the report and recommendation and, in doing so, secure *de novo* review by the district court. 28 U.S.C. § 636(b)(1)(C). Because Plaintiff timely objected to the report and recommendation, the Court reviews the report and recommendation *de novo*. Having done so, the Court overrules each party's objections and adopts the report and recommendation as its own order.

Accordingly, the Court **ORDERS** that the report and recommendation of United States Magistrate Judge Mark Lane, (Dkt. 4), is **ADOPTED**.

**IT IS FURTHER ORDERED** that Plaintiff's case is **DISMISSED**.

**SIGNED** on May 26, 2023.

A handwritten signature in blue ink, appearing to read "R. Pitman", written over a horizontal line.

ROBERT PITMAN  
UNITED STATES DISTRICT JUDGE